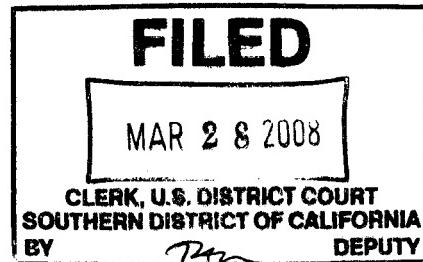


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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA 08 CR 1137 L

UNITED STATES OF AMERICA,
Plaintiff,

v.

Eustolio ENCINAS-Armenta (1),

Raymundo ANDRADE-Zamora (2),

Defendants.)

'08 MJ 8267

) Mag. Case No.
) COMPLAINT FOR VIOLATION OF:

)
) Title 8, U.S.C., Section 1324
) (a)(1)(A)(ii) -Illegal Transportation of
) Alien(s)

)

)

)

The undersigned complainant, being duly sworn, states:

21,2008

On or about March *6*, 2007, within the Southern District of California, defendant Eustolio ENCINAS-Armenta and Raymundo ANDRADE-Zamora, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, Eduardo MENDEZ-Hernandez, Armando PUGA-Perez and Tehonoxtli MARTINEZ-Aguilar had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant states that this complaint is based on the attached statement of facts which, is incorporated herein by reference.

Senior Border Patrol Agent

SWORN TO BEFORE AND SUBSCRIBED IN MY PRESENCE THIS 28th DAY OF MARCH 2008.

Peter C. Lewis

United States Magistrate Judge

SJP

1 UNITED STATES OF AMERICA

2 v.

3 Eustolio ENCINAS-Armenta (1)

4 Raymundo ANDRADE-Zamora (2)

STATEMENT OF FACTS

5 The complainant states that this complaint is based upon statements in the investigative
6 reports by the apprehending U. S. Border Patrol Agents that on March 27, 2008, Eustolio
7 ENCINAS-Armenta and Raymundo ANDRADE-Zamora, natives and citizens of Mexico, were
8 apprehended near Calexico, California, as the drivers of a blue 1994 Nissan Altima, bearing
9 California license 4VEJ701 and a brown 1989 Mazda MPV, bearing California license
10 4CGV119 as they smuggled ten (10) undocumented aliens in violation of law.

11 At approximately 10:55 a.m., Remote Video Surveillance Operators (RVSO) advised
12 agents of individuals running north from Drop 5. RVSO maintained constant visual of the
13 individuals and advised agents that they were loading into two vehicles, a blue Altima and a
14 brown van on Carr Road. At this point, the two vehicles began to travel into separate directions.
15 The brown van continued eastbound on Carr Road and the blue Altima went westbound on Carr
16 Road.

17 Border Patrol Agents Brown, Cortes and Sheppard pulled behind the brown van traveling
18 Eastbound on Carr Road. The brown van slowed down on Highway 98 between Menville Road
19 and Highway 7, and abruptly turned north off of Highway 98 and drove into a ditch, where the
20 vehicle came to a stop.

21 BPA Sheppard observed an individual in the driver position, wearing a green and white
22 striped shirt and shorts, exit the vehicle via the driver door. The individual started running north
23 into an open field. The five other occupants exited the vehicle on the passenger side of the
24 vehicle and began to run north into the same open field. BPA's identified themselves as United
25 States Border Patrol Agents and made contact with the five individuals. BPA Sheppard
26 conducted a field interview with the five subjects. During the interview, all five subjects were
27 determined to be citizens and nationals of Mexico illegally in the United States. BPA Sheppard
28 placed the five subjects under arrest. BPA Ernesto Calderon responded to the area and followed
29

1 the driver, north of the field, and identified himself as a United States Border Patrol Agent. BPA
2 Calderon performed an immigration interview with the driver, later identified as Eustolio
3 ENCINAS-Armenta. During the interview ENCINAS was determined to be a citizen and
4 national of Mexico illegally in the United States. BPA Calderon placed ENCINAS under arrest.

5 At approximately the same time of the apprehension of the brown van, Border Patrol
6 Agent Curnoles was able to locate the blue Altima traveling westbound on Carr Road and pulled
7 behind it as it turned northbound on Barbara Worth Road. The vehicle continued westbound
8 onto Highway 98. BPA Curnoles was able to see the driver of the Altima wearing a green shirt
9 as he turned on to Highway 98. After turning northbound onto Cole Road, the vehicle pulled off
10 to the side of the road on its own. BPA Curnoles approached the Altima and saw the individual
11 wearing a green shirt, in the driver position of the vehicle. BPA Curnoles identified himself as a
12 United States Border Patrol Agent and conducted an interview on the six subjects in the vehicle.
13 All of the subjects were determined to be citizens and nationals of Mexico illegally in the United
14 States. The driver Raymundo ANDRADE-Zamora was in possession of a valid Border Crossing
15 Card with the expiration date of 05/30/2011. All of the subjects were placed under arrest.

16 BPA Cortez advised ENCINAS of his Miranda Rights, this was witnessed by BPA
17 Brown. ENCINAS stated that he entered the United States by walking across the border.
18 ENCINAS stated that he and some other people got into a raft and floated across some water.
19 ENCINAS stated he agreed to drive the van for a lesser fee. ENCINAS stated he was instructed
20 to go to a 'second stoplight' where he was to meet someone and follow their car to an unknown
21 location where he would wait to go to Los Angeles.

22 Material Witnesses Eduardo MENDEZ-Hernandez, Armando PUGA-Perez and Tehonoxtli
23 MARTINEZ-Aguilar claimed to be a citizens and nationals of Mexico. MENDEZ, PUGA and
24 MARTINEZ stated that they made arrangements to be smuggled into the United States with an
25 unknown person in Mexicali, Mexico. MENDEZ and PUGA stated that they agreed to pay
26 \$2,300-2,500 to be smuggled to Los Angeles, California. MARTINEZ stated the driver told him
27 that the he would tell him how much he would have to pay later.

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1 MENDEZ and PUGA were shown a six-pack photo lie-up and identified photo #2, as the
2 driver of the mini van. Photo #2 is a photo of ENCINAS. MARTINEZ was shown a photo
3 lineup of six individuals and identified ANDRADE, photo #1, as the driver.

4 The complainant states that the names of the Material Witnesses are as follows:

<u>NAME</u>	<u>PLACE OF BIRTH</u>
Eduardo MENDEZ-Hernandez	Mexico
Armando PUGA-Perez	Mexico
Tehonoxtli MARTINEZ-Aguilar	Mexico

11
12 Further, complainant states that Eduardo MENDEZ-Hernandez, Armando PUGA-Perez,
13 and Tehonoxtli MARTINEZ-Aguilar are citizens of a country other than the United States; that
14 said aliens have admitted that they are deportable; that their testimony is material, that it is
15 impracticable to secure their attendance at the trial by subpoena; and they are material witnesses
16 in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18,
17 United States Code, Section 3144.

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